

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

21 U.S.C. § 841(a)/841(b)(1)(A)(iii) -- Possession with intent to distribute cocaine base, namely crack cocaine; 21 U.S.C. § 841(a)/841(b)(1)(C) -- Possession with intent to distribute cocaine; 21 U.S.C. § 841(a)/841(b)(1)(D) -- Possession with intent to distribute MDMA; 21 U.S.C. § 841(a)/841(b)(1)(D) -- Possession with intent to distribute Marijuana.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached sheet

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

AUG 13 2008

DEFENDANT - U.S.

MARSHAWN JEROME HOWARD

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DISTRICT COURT NUMBER

CR08-541

CW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation/ Richmond Police Dept.

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) DEREK BUTTS, SAUSA

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☒ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

North County

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

DEFENDANT INFORMATION SHEET ATTACHMENT

COUNT ONE: Maximum 40 years in prison, mandatory minimum 5 years; \$2,000,000 fine; supervised release minimum 4 years; special assessment \$100.

COUNT TWO: Maximum 40 years in prison; \$2,000,000 fine; supervised release minimum 4 years; special assessment \$100.

COUNT THREE: Maximum 20 years in prison; \$1,000,000 fine; supervised release minimum 3 years; special assessment \$100.

COUNT FOUR: Maximum 5 years prison; \$250,000 fine, supervised release minimum 2 years; special assessment \$100.

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

E-filing

VENUE: OAKLAND

FILED

AUG 13 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

V.

CR08-541 CW

MARSHAWN JEROME HOWARD,

DEFENDANT(S).

INDICTMENT

21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(iii) – Possession With Intent
To Distribute Cocaine Base; 21 U.S.C. §§ 841(a)(1) and 841(b)(1)
(B)(ii) – Possession With Intent To Distribute Cocaine; 21 U.S.C. §§
841(a)(1) and 841(b)(1)(C) – Possession With Intent To Distribute
MDMA; 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D) – Possession With
Intent To Distribute Marijuana

A true bill.

Foreman

Filed in open court this 13 day of

August 2008

Clerk

Bail, \$

Wayne D. Bryant No bail arrest warrant.
8/13/08

E-filing

JOSEPH P. RUSSONEILLO (CASBN 44332)
United States Attorney

FILED

AUG 13 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARSHAWN JEROME HOWARD,

Defendant.

No.

CR08-541 CW

VIOLATIONS: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(iii) – Possession With Intent To Distribute Cocaine Base; 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(ii) – Possession With Intent To Distribute Cocaine; 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) – Possession With Intent To Distribute MDMA; 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D) – Possession With Intent To Distribute Marijuana

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(iii) -- Possession With Intent To Distribute Cocaine Base).

On or about June 26, 2008, in the Northern District of California, the defendant,

MARSHAWN JEROME HOWARD,

did knowingly and intentionally possess with intent to distribute a Schedule II controlled substance, namely, at least 5 grams of a mixture and substance containing a detectable amount of

INDICTMENT

1 cocaine base (in the form of "crack" cocaine), in violation of Title 21, United States Code,
2 Sections 841(a)(1) and 841(b)(1)(B)(iii).

3
4 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(ii) -- Possession With Intent To
5 Distribute Cocaine).

6 On or about June 26, 2008, in the Northern District of California, the defendant,
7 MARSHAWN JEROME HOWARD,
8 did knowingly and intentionally possess with intent to distribute a Schedule II controlled
9 substance, namely, approximately 525 grams of a mixture and substance containing a detectable
10 amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and
11 841(b)(1)(B)(ii).

12
13 COUNT THREE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) -- Possession With Intent To
14 Distribute MDMA).

15 On or about June 26, 2008, in the Northern District of California, the defendant,
16 MARSHAWN JEROME HOWARD,
17 did knowingly and intentionally possess with intent to distribute a Schedule I controlled
18 substance, namely, approximately 19 pills containing a detectable amount of 3,4
19 methylenedioxymethamphetamine, also known as "MDMA" or "Ecstasy" in violation of Title
20 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

21
22 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D) -- Possession With Intent To
23 Distribute Marijuana).

24 On or about June 26, 2008, in the Northern District of California, the defendant,
25 MARSHAWN JEROME HOWARD,
26 did knowingly and intentionally possess with intent to distribute a Schedule I controlled

27 ///

28 ///

INDICTMENT

1 substance, namely, approximately 10.75 grams of marijuana in violation of Title 21, United
2 States Code, Sections 841(a)(1) and 841(b)(1)(D).

3
4 DATED: August 13 2008

A TRUE BILL.

FOREPERSON

7 JOSEPH P. RUSSONEILLO
8 United States Attorney

9
10 
11 W. DOUGLAS SPRAGUE
12 Chief, Oakland Branch

13 (Approved as to form: )
14 SAUSA DEREK BUTTS
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INDICTMENT

Amended

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

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 Intent To Distribute Cocaine Base; 21 U.S.C. §§ 841(a)(1) and
 841(b)(1)(B)(ii) - Possession With Intent To Distribute
 Cocaine; 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) - Possession
 With Intent To Distribute MDMA; 21 U.S.C. §§ 841(a)(1) and
 841(b)(1)(D) - Possession With Intent To Distribute
 Marihuana

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

MARSHAWN JEROME HOWARD

DISTRICT COURT NUMBER

CR 08-541 CW

FILED

AUG 20 2008

RICHARD W. WEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

PROCEEDING

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Federal Bureau of Investigation/Richmond Police Dept.

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 per (circle one) FRCrp 20, 21, or 40. Show District

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 charges previously dismissed
 which were dismissed on motion
 of:

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SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

4:08-70344 WDB

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

DEREK BUTTS, SAUSA

DEFENDANT

IS NOT IN CUSTODY

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☐ Federal ☐ State
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 Has detainer ☐ Yes
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 filed
DATE OF
ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

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TO U.S. CUSTODY

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ADDITIONAL INFORMATION OR COMMENTS

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Defendant Address:

Bail Amount: _____

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

**AMENDED ATTACHMENT TO PENALTY SHEET FOR
MARSHAWN HOWARD**

Count 1: 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii) - Possession With Intent To Distribute A
Schedule II Controlled Substance (Cocaine Base)

If 851 Information alleging prior felony narcotics conviction filed:

- | | |
|-------------------------|--|
| (1) Imprisonment: | Maximum Life Imprisonment
Mandatory Minimum 10 Years Imprisonment |
| (2) Fine: | Maximum \$4,000,000 |
| (3) Supervised Release: | Maximum Lifetime
Mandatory Minimum 8 -Year Term |
| (4) Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | |
|-------------------------|---|
| (1) Imprisonment: | Maximum 40 Years Imprisonment
Mandatory Minimum 5 Years Imprisonment |
| (2) Fine: | Maximum \$2,000,000 |
| (3) Supervise Release: | Maximum Lifetime
Mandatory Minimum 4-Year Term |
| (4) Special Assessment: | \$100.00 |

Count 2: 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(ii) - Possession With Intent To Distribute A
Schedule II Controlled Substance (Cocaine Salt)

If 851 Information alleging prior felony narcotics conviction filed:

- | | |
|-------------------------|--|
| (1) Imprisonment: | Maximum Life Imprisonment
Mandatory Minimum 10 Years Imprisonment |
| (2) Fine: | Maximum \$4,000,000 |
| (3) Supervised Release: | Maximum Lifetime
Mandatory Minimum 8 -Year Term |
| (4) Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | |
|-------------------|---|
| (1) Imprisonment: | Maximum 40 Years Imprisonment
Mandatory Minimum 5 Years Imprisonment |
|-------------------|---|

- | | |
|-------------------------|---|
| (2) Fine: | Maximum \$2,000,000 |
| (3) Supervise Release: | Maximum Lifetime
Mandatory Minimum 4-Year Term |
| (4) Special Assessment: | \$100.00 |

Count 3: 21 U.S.C. §§ 841(a)(1), (b)(1)(c) - Possession With Intent To Distribute a Schedule I Controlled Substance (Methylenedioxi methamphetamine)

If 851 Information alleging prior felony narcotics conviction filed:

- | | |
|-------------------------|--------------------------------|
| (1) Imprisonment: | Maximum 30 Years Imprisonment |
| (2) Fine: | Maximum \$2,000,000 |
| (3) Supervised Release: | Mandatory Minimum 6 -Year Term |
| (4) Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | |
|-------------------------|--------------------------------|
| (1) Imprisonment: | Maximum 20 Years Imprisonment |
| (2) Fine: | Maximum \$1,000,000 |
| (3) Supervise Release: | Mandatory Minimum 3 -Year Term |
| (4) Special Assessment: | \$100.00 |

Count 4: 21 U.S.C. §§ 841(a)(1), (b)(1)(D) - Possession With Intent To Distribute A Schedule I Controlled Substance (Marijuana)

If 851 Information alleging prior felony narcotics conviction filed:

- | | |
|-------------------------|--------------------------------|
| (1) Imprisonment: | Maximum 10 Years Imprisonment |
| (2) Fine: | Maximum \$500,000 |
| (3) Supervised Release: | Mandatory Minimum 4 -Year Term |
| (4) Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | |
|-------------------------|-------------------------------|
| (1) Imprisonment: | Maximum 5 Years Imprisonment |
| (2) Fine: | Maximum \$250,000 |
| (3) Supervise Release: | Mandatory Minimum 2-Year Term |
| (4) Special Assessment: | \$100.00 |